

## **REMARKS**

Reconsideration of the present application is kindly requested. Claims 1-23 are pending. Claims 1, 8, 15, 22 and 23 are independent claims.

### **I. REQUEST FOR INTERVIEW UNDER PRIOR TO THE FIRST OFFICE ACTION UNDER M.P.E.P. § 713.02**

Applicant hereby requests a personal interview **prior to the first Office Action under M.P.E.P. § 713.02**. Please contact the undersigned at 703-668-8000 to schedule a time and date for a personal interview.

### **II. ALLOWABLE SUBJECT MATTER**

Applicants acknowledge the Examiner's allowance of claims 22 and 23, and the Examiner's indication that claims 7 and 10 contain allowable subject matter.

### **III. PRIOR ART REJECTION UNDER 35 U.S.C. § 103(a)**

The Examiner rejects claims 1-3, 5-6 and 15-21 as allegedly being unpatentable over Waters (U.S. Patent No. 4,952,498) in view of Zurcher (U.S. Patent No. 6,001,687) under 35 U.S.C. §103(a). This rejection is respectfully traversed.

On page 5 and 6 of the November 30, 2005 Final Office Action, the Examiner contends that the plunger 58 of Waters is "capable of counteracting an outward deflection of the diaphragm," and an "external pressure source must be applied to perform this function, which appears to be the same as the claimed plunger." Applicants disagree.

As shown in Fig. 5 of Waters, in operation a flaccid portion 32 **must lift** the weight of a mechanical indicator including a plunger 58 and its enlarged

ends such that the indicator is visible. The plunger 58 of Waters is comprised of "**very light polymeric** materials so that the force required to lift it is not significantly greater than that required to inflate the flaccid portion itself." Waters, col. 6, ll. 12-15. That is, the plunger of Waters is designed such that it is **extremely light and does not counteract the required inflation of the flaccid portion 32**. Accordingly, contrary to the "movable plunger," of claim 1, the plunger 58 of Waters is not "**effective to counteract** an outward deflection of the diaphragm caused by an increase of internal pressure in the vessel," as set forth in claim 1.

Moreover, the plunger 58 of Waters is "made of very light polymeric materials so that the force required to lift it is not significantly greater than that required to inflate the flaccid portion itself." Waters, col. 6, ll. 12-15. That is, the plunger 58 of Waters is **extremely light** so that it **does not counteract** the required inflation of the flaccid portion 32 because the flaccid portion 32 **must lift the weight of the plunger 58** such that the indicator is visible. As such, the skilled artisan would appreciate that adding and/or modifying the system of Waters to include an external pressure source to counteract the outward deflection of the flaccid portion 32 would **oppose the required movement of the plunger 58**, and **prevent** the system of Waters from operating and/or functioning in its intended manner.

Furthermore, on page 2 of the Final Office Action, the Examiner correctly recognizes that Waters fails to teach or suggest at least a "self-sealing diaphragm," as set forth in claim 1, and relies on Zurcher to allegedly teach

this feature. However, even assuming *arguendo* that Zurcher could be combined with Waters (which Applicant does not admit), Applicant submits that Zurcher still fails to at least make up for the deficiencies of Waters as discussed above with regard to claim 1. Accordingly, Applicant respectfully submits that neither Waters nor Zurcher, either alone or in combination, teaches or suggests all of the features set forth in claim 1. In view of at least the foregoing reasons, claim 1 is in condition for allowance.

Claim 15 is also allowable for at least reasons somewhat similar to those set forth above with regard to claim 1. However, claim 15 should be governed solely by the limitations set forth therein. Dependent claims 2, 3, 5, 6 and 16-21 are allowable at least by virtue of their dependency from claims 1 or 15.

#### **IV. Rejection under 35 U.S.C. § 103(a)**

The Examiner further rejects claims 8-9 and 11-14 as allegedly being unpatentable over Waters in view of Zurcher and Lautenschlager (U.S. Patent No. 5,382,414) under 35 U.S.C. § 103(a). Applicant respectfully traverses this rejection.

For reasons somewhat similar to those set forth above with regard to claim 1, neither Waters nor Zurcher, either alone or in combination, teaches a plunger "**effective to counteract an outward deflection of the diaphragm caused by an increase of internal pressure in the vessel,**" as required by claim 8.

On page 4 of the outstanding Office Action, the Examiner correctly recognizes that neither Waters nor Zurcher teaches at least "one or more

reaction vessels supported and successively movable to a position for microwave energy exposure," as set forth in claim 8. The Examiner relies upon Lautenschlager to teach this feature. However, even assuming *arguendo* that Lautenschlager could be combined with Waters and/or Zurcher (which Applicant does not admit), Lautenschlager still fails to at least make up for the deficiencies of Waters and/or Zurcher, as discussed above, with regard to claim 8. Therefore, claim 8 is in condition for allowance. Applicant respectfully submits that dependent claims 9 and 11-14 are also allowable at least by their virtue of their dependency from claim 8.

#### **V. CONCLUSION**

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

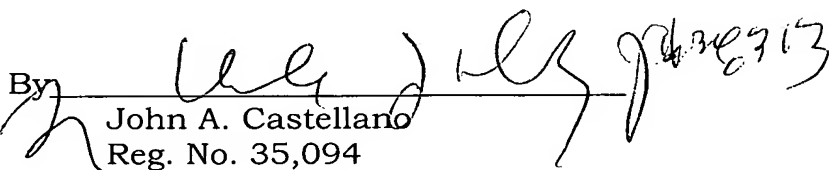
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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